

REMARKS

By the filing of this CPA, this application is entitled to the provisions of 35 U.S.C. §103(c), having an effective date of November 29, 1999.

By the present amendment, new dependent claim 28 has been added, defining the feature that the on-off modulation cycle is longer than a cycle of the rf bias waveform, as clearly illustrated in Figs. 2 and 3 of the drawings of this application.

As to the rejection of claims 1-7, 24, 25 and 27 under 35 U.S.C. §102(e) as being anticipated by Kaji (U.S. 6,129,806) and the rejection of claim 26 under 35 U.S.C. §103(a) as being unpatentable over Kaji in view of U.S. Patent No. 4,893,166) issued to Geekie, as set forth in the Office Action dated July 31, 2001 in the parent application, such rejections are traversed in that applicants submit that Kaji is not properly utilizable in rejecting claims of this CPA in light of 35 U.S.C. §103(c).

Applicants note that Kaji and the parent application of this CPA were copending, and this CPA and Kaji are commonly assigned. 35 U.S.C. §103(c) provides that subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title (as is the case with respect to Kaji), shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time of

the invention was made, owned by the same person or subject to an obligation of assignment to the same person. Thus, applicants submit that Kaji cannot be properly utilized in rejecting the claims under this CPA under 35 U.S.C. §103, and the rejection as set forth necessarily falls.

In view of the applicability of 35 U.S.C. §103(c) to the rejections based upon Kaji, applicants consider it unnecessary to point out additional differences with respect to Kaji, at this time. Thus, applicants submit that the rejections as set forth in the Office Action dated July 31, 2001 in the parent application, as being based upon Kaji, taken alone or in combination, have now been overcome, and all claims present in this application should now be in condition for allowance.

In view of the above amendments and remarks, applicants request favorable action in this application.

To the extent necessary, applicant's petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (503.36911CX1) and please credit any excess fees to such deposit account.

Respectfully submitted,



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